



A PLAN FORWARD

A Vision to enable the Bureau of Prisons to accomplish its mission while protecting its Correctional Officers and Employees.

The Council of Prison Locals' plan to address the critical needs and failures currently facing the Bureau of Prisons today



THE FEDERAL BUREAU OF PRISONS is the largest federal law enforcement agency in the nation. Its mission is as broad as it is vital to the safety of America's communities.

More than 159,000 inmates (and rising) are currently incarcerated in our facilities, many of which remain overcrowded. Today, however, the paramount crisis facing the BOP is critical shortages of Correctional Officers and Employees.

The hiring freeze enacted in 2017, drastically affected the Bureau's ability to maintain safe staffing levels. These dangerous staffing levels strained agency resources and infrastructure to the breaking point. Every day, hundreds of correctional officers are forced to work mandatory overtime to cover vacant posts, while more administrative staff are also augmented from their regular duties to cover other vacant correctional posts.

The burden on BOP staff continues to increase as new duties grow out of the passage of the 2019 First Step Act. Thousands of inmates now require additional case management, education, training, and basic life skills for which the staffing is not readily available.

The Federal Bureau of Prisons faces daily challenges from traditional correctional flashpoints such as contraband. The introduction of contraband, such as synthetic drugs through the prison mail system, is a growing concern and requires the additional investment of time and resources. It will also require the willingness to look to new strategies to combat the problem.

The following is our blueprint to fix the most pressing issues facing the Bureau of Prisons today. A plan that draws from the working experiences of over 30,000 bargaining unit members who day after day risk their lives working inside federal prisons.

Shane Fausey, National President
National Council of Prison Locals

CPL 33's 2023 PLAN FORWARD

Staffing

- In January 2016, Bureau of Prisons staffing numbers were at 43,369 staff. In February 2023, following several years of self-imposed Bureau of Prisons staffing reductions, the staffing numbers were 35,355. This is a decrease of nearly 20%.
- Each year, the Bureau of Prisons has nearly 3,000 employees eligible to retire.
- Each of the past four (4) years, the President (Trump FY 20 & 21 and Biden FY 21 & 22) has requested that there be 20,466 Correctional Officers budgeted in the BOP. Each of these years, this was the number enacted in the Omnibus. The BOP continues to lower the number of Correctional Officers each year, creating a staffing catastrophe and creating treacherous and unsafe working conditions. There are currently 12,731 Correctional Officers in the BOP, a shortage of 7,735 officers.

	<u>President's Request Total Officers</u>	<u>Budget Enacted Total Officers</u>	<u>Bureau of Prisons Total Officers</u>	<u>Correctional Officers Reduced by BOP</u>
FY2020	20,466 Officers	20,466 Officers	13,808 Officers	(- 6,658)
FY2021	20,466 Officers	20,466 Officers	13,760 Officers	(- 6,706)
FY2022	20,466 Officers	20,466 Officers	13,032 Officers	(- 7,434)
FY2023	20,466 Officers	20,466 Officers	12,731 Officers	(- 7,735)

- With the current staffing levels in the Bureau of Prisons, the First Step Act cannot be successfully enacted. Programming areas, such as Education, Recreation, Psychology, and Re-Entry are often closed so the programming staff can be used to backfill shortages of Correctional Officers. This process is known as Augmentation. This reduces access to programming, recreation, and education initiatives, which are key to maintaining safe facilities and reducing recidivism.

Increase Hiring and Staffing of Federal Correctional Workers

- **Correctional Officer Pay.** BOP must be required to increase the pay bands for the position of Correctional Officer. The current pay band of GL 5/6/7/8 is far behind other Federal Law Enforcement Agencies, such as US Marshals, Immigration and Customs (ICE), and Border Patrol. Because of market anomalies, the pay scale used by the BOP is cataclysmically uncompetitive with private sector jobs, State and Local Law Enforcement positions, and other Federal Agencies. Without a competitive pay structure, the Bureau of Prisons will continue to be unable to attract new employees and successfully retain those who are currently employed. The BOP must be required to increase Correctional Officer pay to the pay band of GL 7/8/9/10. This is below other agencies; however, this will close the gap for an agency that is deep in a staffing crisis.

- **25% Salary Increase.** The Bureau of Prisons remains understaffed, exacerbated from the reduction of over 5,000 positions in 2017 and the continued decline of staff each year. Staffing numbers have plummeted from 43,369 to 34,355 staff, drastically below mission critical staffing requirements and the 2016 BOP Staffing Guidelines. Over the past 2-3 years, the BOP explored a 25% incentive option at certain hard-to-staff locations. This 25% increase in salary has been successful in stabilizing the freefall in staffing and actually increase hiring in all disciplines, specifically Correctional Services. The Bureau of Prison should be directed to implement a 25% salary increase (retention bonus), for all non-supervisory primary Law Enforcement positions. This salary increase should remain in place until the BOP establishes and fills its staffing compliment to the January 2016 levels of 43,369 staff. This increase should not include staff working within its Central Office, Regional Offices, Training Facilities, and any other location that do not directly supervise inmates.
- Congress must demand oversight and accountability for the recent increases in federal funding of BOP, corresponding with the contradictory lowering of Correctional Officers.
- The BOP's staffing crisis continues with no increase in overall staffing, despite an almost \$1 billion increase over what was requested in the past three years.
- Any increase in funding must be expressly and specifically outlined, in detailed appropriations language, to be used **only for the hiring of new correctional officers and new employees.**
- Only strict oversight and controlling statutory and/or appropriations language can protect the funding entrusted to the BOP.

Prosecuting Assaultive Inmates

- Every day Federal Law Enforcement Officers are assaulted across the Bureau of Prisons. Most of these cases are not prosecuted and lead to failure to hold offenders responsible for continuing criminal conduct in prison. Prosecution of these inmates by US Attorneys must occur to prevent recurring behavior and misconduct.
- Assaults are not always initiated by aggressive physical contact. Frequent assaults occur when inmates hurl bodily fluids and waste at Officers and Staff.
- Congress should address a management culture that believes being assaulted by an inmate is, "Part of the Job", also drafting procedures wherein being assaulted by bodily fluids are considered a serious offense, evidence should be collected, and .
- Pressure needs to be applied to the Attorney General to prosecute those confined in federal prisons that continue to assault Federal Correctional Staff and other offenders.
- The Council of Prison Locals strives for laws that should put an end to the perception that the inmates are sheltered from prosecution simply because they are already in prison.

Sexually Aggressive Inmates

- Each year, hundreds of Bureau of Prisons employees are subjected to Sexual Harassment, Sexual Misconduct, and Sexual Assault from convicted inmates.

- In a February 2023 OIG report titled, *“Evaluation of the Federal Bureau of Prisons’ Efforts to Address Sexual Harassment and Sexual Assault Committed by Inmates Toward Staff”*, it was determined that the BOP can do more to assess the full scope of the issue and increase the effectiveness of the mitigation effort, specifically:
 - BOP had inadequate data on inmate-on-staff sexual harassment which could be preventing it from fully realizing the scope of the problem.
 - determined that inmate-on-staff sexual harassment occurs across BOP institutions and BOP staff believe that it particularly affects employees who are women.
 - BOP has inadequate data and cannot fully identify the prevalence and scope of inmate-on-staff sexual harassment BOP-wide, the BOP’s mitigation actions cannot fully address the associated problems.
 - BOP’s inability to fully identify and effectively mitigate inmate-on-staff sexual harassment has negative effects on both the BOP and its staff and can lead to unsafe work environments
 - BOP environment can cause staff emotional and physical stress and could lead to potential legal liability for the BOP.
 - the BOP’s staff training includes some information on inmate-on-staff sexual harassment, but the BOP could do more to educate its staff on inmate-on-staff sexual harassment and that the BOP’s training could further emphasize resources to assist staff who witness or experience inmate-on-staff sexual harassment.
- Inmates are subject to internal Bureau of Prisons discipline for prison conduct violations, but very rarely are prosecuted by the Attorney General for crimes against staff.
- The Council of Prison Locals has been working with members of Congress to explore the creation of a Federal Statute to hold these predators accountable for their actions and require Federal Prosecution.

Introduction of Drugs and Contraband

- K2, Suboxone, Ecstasy, Synthetic Cocaine, and other illegal substances are introduced into our Bureau of Prisons Facilities through the mail every day. This has caused a growing number of staff members to suffer unintended exposures to these dangerous substances. In the past year alone, numerous Federal Prison employees were taken to local emergency medical facilities for their exposures to these life-threatening substances and the rate of exposures appears to be on the rise.
- The Council of Prison Locals supports the funding and creation of a program whereby all mail is sent to an off-site facility where it is opened, scanned, and emailed to prisons, much the same way mail is processed for Congress. This program should mirror the pilot program that was in place and was very successful, eliminated the introduction of dangerous substances entirely.
- The Council of Prison Locals is supportive of future legislation that will increase the penalties on the introduction of cell phones. The introduction of cell phones circumvents the safety and security of our institutions by allowing inmates to contact potentially

dangerous people without going through the phone monitoring that is in place for the safety of staff and the general public. Historically cellphones inside of federal prisons has resulted in targeting and murder of innocent civilians and assassinations of Federal Law Enforcement Officers.

Restrictive Housing Units

- The first thing that must be acknowledged when writing about the topic is that inside our prisons, everyone is a convicted criminal with an established pattern of rejecting society's rules. For this reason, our prisons and penitentiaries are inherently dangerous environments and the propensity for violence is substantially higher than in our communities.
- Inside the walls of our federal prisons, correctional officers confront sociopaths, murderers, rapists and sexual predators, members of prison and street gangs, international cartels and terrorist groups. Especially in our most dangerous, highest security prisons, we are dealing with a concentration of individuals society has abandoned as unmanageable and unfit for the basic privileges of a law-abiding citizen.
- As America's prisons evolved to accommodate more dangerous and violent offenders, housing assignments and programs became necessary to protect society, correctional staff, and the average offender from their more deviant and predatory counterparts.
- We have several special units designed to use best practices supported by decades of clinical studies and volumes of empirical data. These programs protect offenders, correctional staff, and society, while allowing staff to run safe and efficient correctional facilities and prepare most offenders for their eventual return to society. Some of these special program units are:
 - Special Housing Units (SHUs -- the jail in the prison)
 - Special Management Units (SMUs -- for the most organized, disruptive, and dangerous repeat offenders)
 - Secure Mental Health Units (SMHUs --for the most violent offenders with the most extreme mental health disorders)
 - Reintegration Housing Units (RHUs or RUs -- Specialized units to return the most antisocial offenders to a more social environment/general population)
 - Special Confinement Unit (Death Row)
 - Administrative Maximum-Security Unit (ADX -- for the most dangerous and violent human beings on the planet)
 - ADX Step Down Unit (to attempt to reintegrate the most violent offenders into a more social environment within a controlled environment)
 - Single-cell assignments are typically used for the most violent offenders.

Current Bills

ERIC'S LAW (H.R. 3980, S. 2264)

This bill, which is named for slain officer Eric Williams, amends the Federal Criminal Code to modify procedures with respect to Capital Sentencing Hearings. If a jury at a Capital Sentencing Hearing does not reach a unanimous recommendation on the defendant's sentencing, the court may order a new special sentencing hearing and impanel a new jury. If the new jury at the special sentencing hearing does not reach a unanimous recommendation on the defendant's sentence, the court is prohibited from imposing a death sentence.

THIN BLUE LINE ACT (H.R. 130, S. 459)

This bill expands the list of statutory "aggravating factors" in death penalty determinations, to also include, the killing or targeting of a law enforcement officer, firefighter, or other first responders.

FIGHTING PTSD ACT (H.R. 472, S. 645)

A bill to require the Attorney General to propose a program for making treatment for post-traumatic stress disorder and acute stress disorder available to public safety officers, and for other purposes.

LEOSA REFORM ACT (H.R. 354)

This bill broadens authority for certain law enforcement officers to carry concealed firearms across state lines and other areas and for other purposes.

PREVENTING VIOLENCE AGAINST FEMALE INMATES ACT (H.R. 1490, S. 752)

This bill aims to protect women by prohibiting the Bureau of Prisons (BOP) from housing prisoners with persons of the opposite sex, with certain exceptions, and further require any state receiving certain federal funds to house prisoners according to their biological sex.

IMPROVING ACCESS TO WORKERS COMPENSATION FOR INJURED FEDERAL WORKERS ACT (H.R. 618, S. 131)

To amend chapter 81 of title 5, United States Code, to cover, for purposes of workers' compensation under such chapter, services by physician assistants and nurse practitioners provided to injured Federal workers, and for other purposes. "This law will recognize the nurse practitioners, allowing their signature to be accepted under the law, allowing claims and treatment to move forward much faster."

FERS COST-OF-LIVING-ADJUSTMENT (COLA) (H.R. 866)

This bill revises the formula used to calculate the cost-of-living adjustment for annuities paid under the Federal Employees Retirement System.

FAIRNESS IN FENTANYL SENTENCING ACT (TBD)

The bill amends the Controlled Substances Act and the Controlled Substances Import and Export Act by modifying the drug quantity thresholds that trigger a mandatory minimum prison term for a defendant who manufactures, distributes, imports, exports, or possesses with intent to distribute fentanyl.

PRISON SAFETY AND ACCOUNTABILITY ACT (TBD)

The bill will require the Department of Justice's Inspector General (IG) to conduct comprehensive, risk-based inspections of the BOP's 122 facilities to identify problems that affect incarcerated people and staff and to provide recommendations to address them.